



# California Fair Political Practices Commission

July 25, 1988

William H. Madison  
Jones Hall Hill & White  
Four Embarcadero Center, Suite 1950  
San Francisco, CA 94111

RE: Your Request for Advice  
Our File No. A-88-274

Dear Mr. Madison:

You have requested advice regarding the campaign provisions of the Political Reform Act of 1974 (the Act).<sup>1/</sup>

## QUESTION

Does a \$10,000 contribution to an initiative measure obligate you to file a statement under the Act?

## CONCLUSION

If you made a \$10,000 contribution between January 1, 1988, and June 30, 1988, to an established committee supporting or opposing an initiative, you are considered a "major donor" committee and must file the enclosed form 461. This form is due no later than August 1, 1988.<sup>2/</sup>

If you made expenditures for communications which support or oppose the initiative without consulting or coordinating your expenditures with any political committee, you must file the form 461 as an independent expenditure committee.

## FACTS

You have made a \$10,000 contribution to the Solano County Quality of Life Initiative. You have not indicated whether the contribution was to an existing committee, nor whether you made any other political contributions in California during the period January 1, 1988 through June 30, 1988.

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<sup>1/</sup>Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

<sup>2/</sup>The filing deadline is July 31, which is a Sunday. Therefore, the deadline is extended to the next regular business day, August 1.

ANALYSIS

Section 82015 defines a "contribution" as

a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received unless it is clear from the surrounding circumstances that it is not made for political purposes. An expenditure made at the behest of a candidate, committee or elected officer is a contribution to the candidate, committee or elected officer unless full and adequate consideration is received for making the expenditure.

Section 82013 defines three different kinds of committees. A committee means any person or combination of persons who directly or indirectly does any of the following:

- (a) Receives contributions totaling one thousand dollars or more in a calendar year;
- (b) Makes independent expenditures totaling one thousand dollars or more in a calendar year; or
- (c) Makes contributions totaling ten thousand dollars or more in a calendar year to or at the behest of candidates or committees.

Thus, if your contribution of \$10,000 was made directly to or at the behest of a committee, you qualify as a major donor committee. (Section 82013(c).) Section 84200 (b) requires that major donor committees file campaign statements no later than July 31 for the period January 1 through June 30, and January 31 for the period July 1 through December 31 of the previous year. The same is true if you qualify as an independent expenditure committee. (Section 82013 (b).)

Section 84215 indicates where campaign reports must be filed. If you made no other contributions to California state and local candidates or committees, you must file the original and one copy of the statement with the Solano County Clerk's office. However, if other contributions were made outside Solano County, you are required to file the original and one copy of the statement with the Secretary of State, two copies with the Registrar of Voters of San Francisco, and two copies with the Registrar-Recorder of Los Angeles county, in addition to two copies with the Solano County Clerk.

All political contributions made to California state and local candidates and committees for the period January 1 through June 30, 1988, must be reported on the same form 461.

Madison, William H.  
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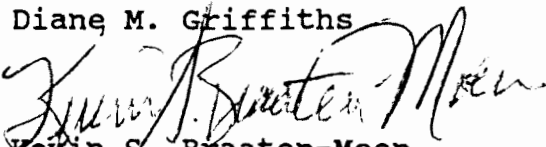
Enclosed is the FPPC Information Manual on Campaign Disclosure Provisions of the Political Reform Act for Major Donor Committees and Independent Expenditure Committees.

If you have any additional questions, please contact me at (916) 322-5662.

Sincerely,

Diane M. Griffiths

by:

  
Kevin S. Braaten-Moen  
Political Reform Consultant

JONES HALL HILL & WHITE,

A PROFESSIONAL LAW CORPORATION

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July 11, 1988

Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, California 95814

RE: Contribution to Solano County Quality of Life Initiative

Gentlemen:

We have been advised by our client, the City of Fairfield, that our contribution to the captioned initiative measure in the amount of \$10,000 may require us to file a statement with the Fair Political Practices Commission. The City was advised by the firm of Townsend & Co., 1717 High Street, Suite B, Sacramento, California, 95814, that a filing may be necessary by reason of the size of our contribution. Please advise if a filing is required, and if so, we would appreciate your forwarding the necessary forms on to us so that we may complete them.

Very truly yours,



William H. Madison

cc: Andy Hall

WHM:pch:M7022